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\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	Application No.	Applicant(s)
	10/633,864	KOCUR ET AL.
Notice of Allowability	Examiner	Art Unit
	Justin R. Fischer	1733
The MAILING DATE of this communication appeal claims being allowable, PROSECUTION ON THE MERITS IS (Gerewith (or previously mailed), a Notice of Allowance (PTOL-85) of OTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIG	OR REMAINS) CLOSED in other appropriate commender in the comment of the comment o	in this application. If not included number is mailed in due course. THIS
☐ This communication is responsive to <u>01 July 2005</u> .		
☐ The allowed claim(s) is/are <u>1-14</u> .	•	
$\ \square$ The drawings filed on $\underline{\it 04 \ August \ 2003}$ are accepted by the E	Examiner.	
a) ☐ Acknowledgment is made of a claim for foreign priority und a) ☐ All b) ☐ Some* c) ☐ None of the:  1. ☐ Certified copies of the priority documents have l 2. ☐ Certified copies of the priority documents have l 3. ☐ Copies of the certified copies of the priority documents	been received. been received in Applicati	on No
International Bureau (PCT Rule 17.2(a)).		
* Certified copies not received:		
Applicant has THREE MONTHS FROM THE "MAILING DATE" o noted below. Failure to timely comply will result in ABANDONME THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.  . A SUBSTITUTE OATH OR DECLARATION must be submit INFORMAL PATENT APPLICATION (PTO-152) which gives	ENT of this application. ted. Note the attached EX	(AMINER'S AMENDMENT or NOTICE OF
CORRECTED DRAWINGS ( as "replacement sheets") must	be submitted.	
(a) including changes required by the Notice of Draftsperso		ew ( PTO-948) attached
1) hereto or 2) to Paper No./Mail Date	•	
(b) ☐ including changes required by the attached Examiner's Paper No./Mail Date	Amendment / Comment	or in the Office action of
Identifying indicia such as the application number (see 37 CFR 1.8 each sheet. Replacement sheet(s) should be labeled as such in the	34(c)) should be written on e header according to 37 C	the drawings in the front (not the back) of FR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the depos attached Examiner's comment regarding REQUIREMENT F	it of BIOLOGICAL MATOR THE DEPOSIT OF B	FERIAL must be submitted. Note the IOLOGICAL MATERIAL.
ttachment(s) .  Notice of References Cited (PTO-892)	5. Notice of	Informal Patent Application (PTO-152)
☐ Notice of Draftperson's Patent Drawing Review (PTO-948)		Summary (PTO-413), o./Mail Date
☑ Information Disclosure Statements (PTO-1449 or PTO/SB/08		s Amendment/Comment
Paper No./Mail Date 7105  Examiner's Comment Regarding Requirement for Deposit	<u> </u>	s Statement of Reasons for Allowance
of Biological Material	9.	·
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## **DETAILED ACTION**

## Terminal Disclaimer

1. The terminal disclaimer filed on July 1, 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent 6,752,829 has been reviewed and is accepted. The terminal disclaimer has been recorded.

## Allowable Subject Matter

2. Claims 1-14 are allowed. The following is an examiner's statement of reasons for allowance:

It is known in the medical industry to form an implantable stent prosthesis having a sidewall comprising a plurality of struts and an outer covering layer or channel material, as shown for example by Banas (US '348) and Sogard (US '573). In these instances, though, the prior art references of record fail to form a channel in said prosthesis in accordance to the limitations of the claimed invention. In particular, the claimed method requires that the channel be formed by covering a tube or mandrel with said channel material, exposing the thus formed assembly to a treatment, either heat, chemical, or adhesive, and attaching the channel to the sidewall. It is noted that the general technique of providing a "channel" to promote the delivery of a drug in a stent prosthesis is known; however, one of ordinary skill in the art at the time of the invention would not have found it obvious to practice the specific method of the claimed invention to obtain a channel in either one of Banas or Sogard as the prior art references of record fail to disclose, teach, or suggest the claimed method of forming a channel.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

## Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Justin Fischer

August 4, 2005

PRIMARY EXAMINER